THE BOMBAY VACCINATION ACT, 1877.

CONTENTS.

PREAMBLE.

PRELIMINARY.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Interpretation-clause.

ESTABLISHMENT.

3. Vaccination-districts.
   Appointment of public vaccinators.
   Public vaccine-stations.
   Notification of districts and stations.
4. Public vaccinator to live within district.
5. Qualifications of public vaccinator.
6. Superintendent of Vaccination.
   Assistant Superintendents.

VACCINATION.

7. Parent or guardian of children born in Bombay, and of unprotected children brought to reside in Bombay, must procure vaccination.
   Public vaccinator bound to vaccinate all children brought to him.
8. Inspection.
   Re-vaccination.
9. If child be unfit for vaccination, certificate in form A to be given which shall remain in force for two months, but shall be renewable.
   When successive postponement certificates to be granted.
10. Provision for giving certificates of insusceptibility to successful vaccination.
11. Provision for giving certificates of successful vaccination.
12. Vaccination to be ordinarily with animal-lymph, but may, if Government so directs, be performed with lymph taken from human being.
13. No fee for vaccination at public vaccine-station, or for certificates.
    Proviso.

REGISTRATION.

14. Registrar of Births to give notice of requirement of vaccination.
15. Duplicates of all certificates to be transmitted to Registrar.
16. Registrar to keep vaccination-notice and certificate-book;
17. and also duplicate register of births with entries concerning vaccination;
18. and also register of postponed vaccinations.
19. Transmission of returns to Superintendent.

PROSECUTIONS AND OFFENCES.

20. Penalty for inoculating, and for entering City of Bombay after inoculation.

SECTIONS.

21. Magistrate may make order for vaccination of unprotected child under fourteen years.
Penalty for disobedience of such order.
Proviso for costs to person improperly summoned.
22. Penalty for not producing child.
23. Penalty for neglect to take child to be vaccinated, etc.
24. Penalty for making or signing false certificate.
25. Penalty for accepting illegal fee or remuneration.
26. Cognizance of offences.
27. Prosecution for neglect.
28. Recovery of fines.

MISCELLANEOUS.

29. Books and Forms.
30. Annual return of number of children vaccinated, etc.
31. Power of Sanitary Commissioner to make rules.

SCHEDULES.

BOMBAY ACT No. I OF 1877 [1].

[*17th May, 1877.*]

An Act to prohibit the practice of inoculation, and to make the vaccination of children in the City of Bombay compulsory.

WHEREAS it is expedient to prohibit the practice of inoculation, and to make the vaccination of children in the City of Bombay compulsory; It is enacted as follows :— Preamble.

PRELIMINARY.

1. This Act may be cited as the Bombay Vaccination Act, 1877. Short title.

It extends only to the City of Bombay. Local extent.

It shall come into force on such day [2] as the Governor in Council directs by notification in the Bombay Government Gazette, and its operation may at any time be suspended by the Governor in Council by notification in the said Gazette. Commencement.

2. In this Act, unless there be something repugnant in the subject or context,— Interpretation-clause.

(*1*) "parent" includes the father and mother of a legitimate child and the mother of an illegitimate child :

(*2*) "guardian" means any person to whom the care, nurture or custody

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1876, Pt. V, p. 228 ; for Report of the Select Committee, *see ibid*, 1877, Pt. V, p. 6, and for Proceedings in Council, *see ibid*, 1876, Pt. V, p. 247, and *ibid*, 1877, Pt. V, pp. 19 and 35.

[2] The 1st September, 1877, *see* Bombay Government Gazette, 1877, Pt. I, p. 653.

of any child falls by law, or by natural right or recognized usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any authority lawfully authorized in that behalf :

(*3*) "public vaccinator" means any vaccinator appointed under this Act or any deputy duly authorized to act for such public vaccinator ;

(*4*) "medical practitioner" means any person duly qualified by a diploma, degree or license to practise in medicine or surgery, or specially licensed by the Governor in Council to practise vaccination and grant certificates under the provisions of this Act :

(*5*) "unprotected child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under the provisions of this Act to be insusceptible to vaccination :

(*6*) "animal lymph" means vaccine taken from the calf.

ESTABLISHMENT.

Vaccination-districts.

3. For the purposes [1][of this Act] the Sanitary Commissioner for the Presidency of Bombay, or such other officer as Government directs, shall divide the City of Bombay into as many districts for the performance of vaccination as he shall from time to time deem fit. Each such district shall be called a "vaccination-district."

Appointment of public vaccinators.

The Sanitary Commissioner or other officer aforesaid shall appoint a public vaccinator for every vaccination-district, and shall appoint such places as he shall from time to time deem fit in each district to be stations for the performance of vaccination. Such stations shall be called "public vaccine-stations". Every such public vaccinator shall be removeable from office by the Sanitary Commissioner or other officer aforesaid.

Public vaccine-stations.

Notification of districts and stations.

The limits of the vaccination-districts made, and the positions of the public vaccine-stations fixed, under the provisions of this section, and the days and hours of the public vaccinator's attendance at each station, shall be published from time to time in such manner as shall be directed in rules to be framed under section 31. * * *[2]

Public vaccinator to live within district.

4. Every public vaccinator, unless specially permitted by the Sanitary Commissioner or other officer aforesaid to reside elsewhere, shall reside within

[1] The words "of this Act," were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1896), and re-inserted by the Repealing and Amending Act, 1895 (16 of 1895), Vol. I of this Code, p. 224.

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

the district for which he is appointed, and shall cause his name, with the addition of the words "Public Vaccinator for the district of ", to be posted up in some conspicuous place on or near the outer door of his dwelling-house and of every public vaccine-station in his district.

Qualifications of public vaccinator.

5. No person shall be appointed a public vaccinator, or act as a deputy for a public vaccinator, who shall not possess a certificate of qualification signed by the Sanitary Commissioner or other officer aforesaid.

Superintendent of Vaccination.

6. A Superintendent of Vaccination shall be appointed by Government, who, subject to the orders of the Sanitary Commissioner or other officer aforesaid, shall have a general control over all the proceedings of public vaccinators, and shall perform such duties, in addition to those prescribed by this Act, as shall be required by Government.

Assistant Superintendents.

The Superintendent shall have one or more assistants as Government may from time to time direct.

VACCINATION.

Parent or guardian of children born in Bombay, and of unprotected children brought to reside in Bombay,

7. The parent or guardian of every child born in the City of Bombay shall, within six months after the birth of such child, and

the parent or guardian of every unprotected child under the age of fourteen years brought to reside, whether temporarily or permanently, in the City of Bombay, shall, within three months after such child's arrival in the City, or, if the child be at the time of its arrival less than three months old, within six months after its birth[1] *

[1] * * * * * * *

must procure vaccination.

take it, or cause it to be taken, to a public vaccinator to be vaccinated, or shall, within such period as aforesaid, cause it to be vaccinated by some medical practitioner;

Public vaccinator bound to vaccinate all children brought to him.

and the public vaccinator to whom such child, or to whom any child under the age of fourteen years, is brought for vaccination, is hereby required, with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate such child.

Inspection.

8. At an appointed hour upon the same day in the following week after vaccination shall have been performed by a public vaccinator or a medical practitioner, or on [2][any earlier or later day] if the public vaccinator or medical practitioner so desires, the parent or guardian shall again take the

[1] The word "and" and the following paragraph, namely:—"the parent or guardian of every unprotected child living in the City of Bombay at the date of this Act coming into force, and whose age at such date exceeds six months, but does not exceed fourteen years, shall, within six months from the said date" were repealed by the Repealing and Amending Act, 1895 (16 of 1895), Vol. I of this Code, p. 224.

[2] These words were substituted for the words "an earlier day" by the Vaccination Act Amendment Act, 1882 (Bom. Act 3 of 1882), s. 2, *infra*, p. 799.

child, or cause it to be taken, to the public vaccinator or to the medical practitioner by whom the operation was performed, that he may inspect it and ascertain the result of the operation.

Re-vaccination.

In the event of the vaccination being unsuccessful, such parent or guardian shall, if the public vaccinator or medical practitioner so direct, cause the child to be forthwith again vaccinated and subsequently inspected as on the previous occasion.

If child be unfit for vaccination, certificate in form A to be given;

9. If any public vaccinator or medical practitioner shall be of opinion that any child is not in a fit state to be vaccinated, he shall forthwith deliver to the parent or guardian of such child a certificate under his hand according to the form of Schedule A * * *[1] or to the like effect, that the child is then in a state unfit for vaccination.

which shall remain in force for two months, but shall be renewable.

The said certificate shall remain in force for two months only, but shall be renewable for successive periods of two months until a public vaccinator or medical practitioner shall deem the child to be in a fit state for vaccination, when the child shall, with all reasonable despatch, be vaccinated and a certificate of successful vaccination given in the form of Schedule C * * * [1] according to the provisions of section 11 * * *[2] if warranted by the result.

When successive postponement certificates to be granted.

At or before the end of each successive period, the parent or guardian shall take, or cause the child to be taken, to some public vaccinator or medical practitioner, who shall then examine the child and give a fresh certificate according to the said form A, so long as he deems requisite under the circumstances of the case.

Provision for giving certificates of insusceptibility to successful vaccination.

10. If any public vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or guardian of such child a certificate, under his hand, according to the form of Schedule B * * *[1] or to the like effect, and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

Provision for giving certificates of successful vaccination.

11. Every public vaccinator or medical practitioner who shall have performed the operation of vaccination upon any child, and shall have ascertained that the same has been successful, shall deliver to the parent or guardian of such child a certificate according to the form of Schedule C

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[1] The words "hereto annexed" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

* * * [1] or to the like effect, certifying that the said child has been successfully vaccinated.

Vaccination to be ordinarily with animal-lymph, but may, if Government so directs, be performed with lymph taken from human being.

12. Except as is hereinafter otherwise provided the vaccination of a child under the provisions of this Act must, if the parent or guardian of the child so require, be performed with animal-lymph ;

but it shall at any time be lawful for the Governor in Council, on its being shown to his satisfaction that animal-lymph is not procurable, to direct, by notification in the Bombay Government Gazette,—

(*a*) that during such period as he may deem fit to appoint the vaccination of children may, without the assent of the parents or guardians of such children, be performed with lymph taken from a human being ; and

(*b*) that the public vaccinator or medical practitioner to whom at any time during the said period a vaccinated child is brought under the provisions of section 8 * * * [2] for inspection may, if he see fit, take from such child lymph for the performance of other vaccinations.

No fee for vaccination at public vaccine-station, or for certificates. Proviso.

13. No fee or remuneration shall be charged by any public vaccinator to the parent or guardian of any child for any such certificate as aforesaid, nor for any vaccination done by him in pursuance of this Act at a public vaccine-station.

But it shall be lawful for a public vaccinator to accept a fee for vaccinating a child, by request of the parent or guardian, elsewhere than at a public vaccine-station.

REGISTRATION.

Registrar of births to give notice of requirement of vaccination.

14. On the registration of the birth of any child under the provisions of [3] section 256 of the Bombay Municipal Act, 1872, or of any other law for the time being in force, the Registrar shall deliver to the person giving information of such birth a printed notice in the form of Schedule D * * * [1] or to the like effect ; and such notice shall have attached thereto the several forms of certificates prescribed by this Act.

Duplicates of all certificates to

15. Every public vaccinator or medical practitioner who gives to any parent or guardian a certificate in any of the forms of Schedules A, B and C

[1] The words "hereto annexed" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV, of this Code.

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV, of this Code.

[3] *See* now s. 445 of the City of Bombay Municipal Act, 1888 (Bom. Act 3 of 1888), Vol. IV of this Code.

be transmitted to Registrar.

* * * [1] shall within twenty-one days after giving the same, transmit a duplicate thereof to the Registrar of Births of the district where the birth of the child on whose account such certificate was given has been registered, or, if that be not known to him, or if the child was born out of the City of Bombay, or his birth has not been registered in the said City, to the Registrar of the district within which the child was vaccinated or presented for vaccination.

Registrar to keep vaccination-notice and certificate-book;

16. The Registrar of Births shall keep a book, in such form as may from time to time be prescribed by the Sanitary Commissioner or other officer under section 29 * * * [2] in which he shall enter minutes of the notices of vaccination given by him as herein required, and shall also register the duplicates of certificates transmitted to him as herein provided.

and also duplicate register of births with entries concerning vaccination,

17. He shall also prepare and keep a duplicate of the register of births required to be kept by him under the provisions of the [3] Bombay Municipal Act, 1872, or of any other law for the time being in force, with such additional columns as shall from time to time be prescribed by the Sanitary Commissioner or other officer under section 29 * * * [2] in which he shall record the date of every duplicate certificate in the form of Schedule B or Schedule C * * * [1] received by him concerning any child whose birth he has registered, and make an entry to the effect that the child has been vaccinated or is insusceptible of vaccination, as the case may be.

and also register of postponed vaccinations.

18. He shall also keep a register of postponed vaccinations in the form of Schedule E * * [1] in which he shall record the name of every child concerning whom he receives a duplicate certificate in the form of Schedule A * * * [1] together with the date of such duplicate certificate and of each such successive duplicate certificate, if he receives more than one, and shall show the number and the year of the entry, if any, in the register of births in which such child's birth has been registered.

Transmission of returns to Superintendent.

19. Every Registrar shall transmit on the first of every month to the Superintendent of Vaccination a return, in such form as may from time to time be prescribed by the Sanitary Commissioner or other officer under section 29 * * * [2], of all cases in which duplicate certificates have not been duly received by him in pursuance of the provisions of this Act during the last preceding month.

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[1] The words "hereto annexed" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV, of this Code.

[3] *See* now the City of Bombay Municipal Act, 1888 (Bom. Act 3 of 1888), Vol. III of this Code.

PROSECUTIONS AND OFFENCES.

Penalty for inoculating;

20. Whoever produces or attempts, to produce, in any person, by inoculation with variolous matter or by wilful exposure to variolous matter or to anything impregnated therewith, or who wilfully by any other means produces the disease of small-pox in any person;

and for entering City of Bombay after inoculation.

and whoever having been inoculated with small-pox in a place to which this Act does not extend shall afterwards enter the City of Bombay before the expiration of forty days from the date of such inoculation, or without a certificate from a medical practitioner that such person is no longer likely to cause contagion,

shall be punished with imprisonment [1]* * * * for a term which may extend to three months or to fine which may extend to two hundred rupees, or with both.

Magistrate may make order for vaccination of unprotected child under fourteen years.

21. If the Superintendent of Vaccination shall give information in writing to a Magistrate of Police that he has reason to believe that any child within the City of Bombay, under the age of fourteen years, is an unprotected child, and that he has given notice to the parent or guardian of such child to procure its being vaccinated, and that the said notice has been disregarded, such Magistrate may summon such parent or guardian to appear with the child before him, and, if the Magistrate shall find, after such examination as he shall deem necessary, that the child is an unprotected child he may make an order directing such child to be vaccinated within a certain time.

Penalty for disobedience of such order.

If at the expiration of such time the child shall not have been vaccinated, or shall not be shown to be then unfit to be vaccinated nor to be insusceptible of vaccination, the person upon whom such order shall have been made shall, unless he can show some reasonable ground for his omission to carry the order into effect, be punished with fine which may extend to fifty rupees:

Proviso for costs to person improperly summoned.

Provided that if the Magistrate shall be of opinion that the person is improperly brought before him, and shall refuse to make an order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider a fair compensation for his expenses and loss of time in attending before the Magistrate.

Penalty for not producing child.

22. If any parent or guardian intentionally omits to produce a child whom he has been summoned to produce under the last preceding section, he shall be punished with simple imprisonment, within the meaning of the Indian

[1] The words "of either description, within the meaning of the Indian Penal Code" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

Penal Code,[1] for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. XLV of 1860.

Penalty for neglect to take child to be vaccinated, etc.

23. Whoever, in contravention of this Act,—

(*a*) neglects, without reasonable excuse, to take, or cause a child to be taken, to be vaccinated, or after vaccination to be inspected, or

(*b*) at any time during the period for which any notification made under section 12 * * * [2] is in force, prevents any public vaccinator from taking lymph from any child whom he has vaccinated, or

(*c*) neglects to fill up and sign and give to the parent or guardian of any child any certificate which such parent or guardian is entitled to receive from him, or to transmit a duplicate of the same to the Registrar of Births,

shall be punished for each such offence with fine which may extend to fifty rupees.

Penalty for making or signing false certificate.

24. Whoever wilfully signs, or makes, or procures the signing or making of, a false certificate, or duplicate certificate, under this Act, shall be punished with imprisonment [3]* * * * * * for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Penalty for accepting illegal fee or remuneration.

25. If any public vaccinator accepts or obtains or agrees to accept or attempts to obtain, from any person any fee or remuneration, contrary to the provisions of section 13 * * [2] he shall be deemed to have committed an offence punishable under section 161 of the [1] Indian Penal Code. XLV of 1860.

Cognizance of offences.

26. All offences under this Act shall be cognizable by a Magistrate of Police, subject to the provisions of any law for the time being in force for the trial of offences, but no complaint of any such offences shall be entertained unless the prosecution be instituted by order of, or under authority from, Government or the Superintendent of Vaccination.

Prosecution for neglect.

27. In any prosecution for neglect to procure the vaccination of a child it shall not be necessary in support thereof to prove that the defendant had received notice from the Registrar, or any other officer, of the requirements of the law in this respect ; but, if the defendant produce any such certificate as hereinbefore described, or the duplicate of the register of births or the register

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[1] *See* the reprint of the Act as modified up to 1st April, 1903.

[2] The words " of this Act " were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act of 1904), Vol. IV of this Code.

[3] The words " of either description, within the meaning of the Indian Penal Code " were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

of postponed vaccinations kept by the Registrar as hereinbefore provided, in which such certificate shall be duly entered, the same shall be a sufficient defence for him except in regard to the certificate according to the form of Schedule A, when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

Recovery of Fines.

28. * * * * [1]All fines imposed under this Act * * *[1] shall be recoverable [2][in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.]

MISCELLANEOUS.

Books and forms.

29. The Sanitary Commissioner for the Presidency of Bombay, or such other officer as Government directs, shall frame and provide appropriate books and forms for the use of the public vaccinators, and also such forms as shall be required for the signature of medical practitioners under the provisions of this Act, and he shall also transmit to the Registrars such books and forms as are required by them under the provisions of this Act.

Annual return of number of children vaccinated, etc.

30. It shall be the duty of the executive officer of health for the City of Bombay, appointed under the provisions of the [3]Bombay Municipal Act, 1872, or of the officer for the time being officiating in his appointment, to show in any annual general abstract of births and deaths prepared by him the number of children successfully vaccinated, the number whose vaccination has been postponed, and the number certified to be insusceptible to successful vaccination during the year.

Power of Sanitary Commissioner to make rules.

31. The Sanitary Commissioner for the Presidency of Bombay, or such other officer as Government directs, may, with the sanction of the Governor in Council, from time to time make rules[4] or issue orders consistent with this Act—

(*a*) providing for the appointment of deputies of public vaccinators when necessary;

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[1] The words "The provisions of sections sixty-four to seventy, both inclusive, of the Indian Penal Code shall apply to" and the words "and all such fines" in s. 28 were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[2] These words were substituted for the words and figures "in the manner prescribed by Act XIII of 1856 (for regulating the Police of the Towns of Calcutta, Madras and Bombay), and Act XLVIII of 1860 (to amend Act XIII of 1856), or any other Act for the time being in force regulating the Police of the City of Bombay" by the Repealing and Amending Act, 1895 (16 of 1895), Vol. I of this Code, p. 224.

[3] *See* now the City of Bombay Municipal Act, 1888 (Bom. Act 3 of 1888), Vol. III of this Code.

[4] *See* Bombay Local Rules and Orders, Ed. 1898, Vol. II, pp. 528 and 531.

(*b*) determining the qualifications to be required of public vaccinators or their deputies, and regulating the grant of certificates of qualification under section 5;

(*c*) for the guidance of public vaccinators and others in all other matters connected with the working of this Act.

All such rules or orders shall be published in the Bombay Government Gazette.

SCHEDULE A.

(*See section 9.*)

I, the undersigned, hereby certify that, in my opinion, , the child of , resident at in Bombay, is not now in a fit and proper state to be vaccinated, and I do hereby postpone the vaccination for the period of two months from this date.

Dated this day of , 18 .

(*Signature of Medical Practitioner or Public Vaccinator.*)

SCHEDULE B.

(*See section 10.*)

I, the undersigned, hereby certify that I have three times unsuccessfully vaccinated , the child of , residing at , in Bombay (*or* that the child has already had small-pox, *as the case may be*), and I am of opinion that the said child is insusceptible of successful vaccination.

Dated this day of , 18 .

(*Signature of Medical Practitioner or Public Vaccinator.*)

SCHEDULE C.

(*See section 11.*)

I, the undersigned, hereby certify that , the child of age , resident at , in Bombay, has been successfully vaccinated by me.

Dated this day of , 18 .

(*Signature of Medical Practitioner or Public Vaccinator.*)

SCHEDULE D.

(See section 14.)

To

(Here insert the name of the parent, guardian or other person who gives information of the child's birth.)

Take notice that the child of *(here enter the mother's name)*, whose birth has this day been registered, must be vaccinated under the provisions of the Bombay Vaccination Act, 1877, within six months from the date of its birth under a penalty of [1][fifty rupees].

The public vaccine-station nearest to the house in which the child was born is at No. . The days and hours for vaccination at that station are as follows:—

(Here insert the days and the hours when the public vaccinator is in attendance.)

On your taking, or causing the child to be taken, to the public vaccinator at the said station within the said hours on any of the said days, or at any other public vaccine-station in the City on the days and within the hours prescribed for public vaccination at such station, it will be vaccinated free of charge.

You should be careful to have one of the annexed forms of certificates filled in by the public vaccinator, or, if you employ a private medical practitioner to vaccinate the child, by such medical practitioner, and to keep the same in your possession. Any such certificate will be granted to you by a public vaccinator free of charge.

Dated the of , 18 .

(Registrar of Births.)

SCHEDULE E.

(See section 18.)

Register of postponed Vaccinations for the District of in Bombay.

Consecutive number.	Name of Child.	Birth.		Date of certificate of postponement.		Signature of Registrar.
		Year.	No. of entry in register.			
				1868		
1	Vinayak Pandurang .	1868	12	May	10	H. O.

[1]These words were substituted for the words "ten rupees" by the Repealing and Amending Act, 1895 (16 of 1895), Vol. I of this Code, p. 224.